REMARKS/ARGUMENTS

In the Office Action issued March 23, 2009, claims 1-4, 7-9, 12-15, 18-20, 23-26, 29-31, 34-37, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumarot et al., U.S. Patent No. RE38,865 ("Dumarot") in view of King et al., U.S. Patent No. 6,252,592 ("King"). Claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumarot in view of King and further in view of Applicant's Admitted Prior Art ("APA"). Claims 34-44 were rejected under 35 U.S.C. § 112, ¶2 as being indefinite. Claims 1-44 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending application no. 10/730,901 in view of King. The specification was objected to.

Claims 1-2, 4-7, 9-13, 15-18, 20-24, 26-29, 31-25, 37-40, and 42-44 are now pending in this application. Claims 3, 8, 14, 19, 25, 30, 36, and 41 have been canceled, thus, the rejections of these claims are now moot. Claims 1, 12, 23, and 34 have been amended to clarify the subject matter that the Applicant considers to be the invention. Claims 4, 9, 15, 20, 26, 31, 37, and 41 have been amended to correct dependencies. Claim 23 has been amended to overcome the objection to the specification. No new matter has been added.

The Applicant respectfully submits that claims 1-2, 4, 7, 9, 12-13, 15, 18, 20, 23-24, 26, 29, 31, 34-35, 37, 40, and 42 are not unpatentable over Dumarot in view of King because even if Dumarot and King were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest the requirements of the claims.

Dumarot discloses optimizing the operation of a computer system in running application programs in accordance with system capabilities, user preferences and configuration parameters of the application program. However, Dumarot does not disclose or suggest interface displays emphasize importance of a particular parameter over another parameter, wherein the interface comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes to display values of different application parameters, the second portion continues to display the measurements of performance of the application, as is required by claims 1, 12, 23, and 34.

King discloses visual elements of a graphical user interface that are enabled for access by a user in a specific order. King discloses a number of elements of such a graphical user interface. For example, at col. 2, lines 23-40, King discloses the "tabbing" order, which is the sequence in which visual elements of a user interface will receive "focus" when the "tab" key is pressed. As is well-know, the "focus" simply indicates which element will receive the user input, such as when the user presses a key. This portion of King does not disclose or suggest interface displays that emphasize importance of a particular parameter over another parameter, wherein the interface comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes to display values of different application parameters, the second portion continues to display the measurements of performance of the application.

Elsewhere, such as in Figs. 2 and 3A-3D, King discloses a variety of visual elements. However, King discloses the effect of changing tabbing order on these visual elements. King does not disclose or suggest interface displays that emphasize importance of a particular parameter over another parameter, wherein the interface comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes to display values of different application parameters, the second portion continues to display the measurements of performance of the application.

As a result, even if Dumarot and King were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter.

Therefore, claims 1, 12, 23, and 34, and claims 2, 4, 7, 9, 13, 15, 18, 20, 24, 26, 29, 31, 35, 37, 40, and 42, which depend therefrom, are not unpatentable over Dumarot in view of King.

The Applicant respectfully submits that claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 are not unpatentable over Dumarot in view of King and further in view of APA because even if Dumarot, King, and APA were combined as suggested by the Examiner, the resulting combination still would not does not disclose or suggest interface displays that emphasize importance of a particular parameter over another parameter, wherein the interface comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes

to display values of different application parameters, the second portion continues to display the measurements of performance of the application, as is required by claims 1, 12, 23, and 34, from which claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 depend. The APA cited by the Examiner merely lists some configuration parameters, and does not provide any teaching or suggestion as to the relative importance of such parameters, and does not provide any teaching or suggestion regarding emphasizing the importance of a particular parameter over another parameter.

As a result, even if Dumarot, King, and APA were combined as suggested by the Examiner, the resulting combination still would not does not disclose or suggest interface displays that emphasize importance of a particular parameter over another parameter, wherein the interface comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes to display values of different application parameters, the second portion continues to display the measurements of performance of the application.

Therefore, claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 are not unpatentable over Dumarot in view of King and further in view of APA.

The Applicant respectfully traverses the provisional rejection of claims 1-44 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending application no. 10/730,901 in view of King. As discussed above, King does not does not disclose or suggest interface displays that emphasize importance of a particular parameter over another parameter, wherein the interface

comprises a first portion operable to display the current values of application parameters, and a second portion operable to display the measurements of performance of the application, wherein when the first portion changes to display values of different application parameters, the second portion continues to display the measurements of performance of the application. Therefore, the combination of claims 1-28 of copending application no. 10/730,901 with King does not make claims 1-44 of the present application obvious.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4545 (5231-089-US01).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

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